

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement(s) (IDS) submitted on 04/30/2010 is/are acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the examiner is considering the information disclosure statement(s).

Drawings

3. The drawings were received on 09/20/2005. These drawings are acceptable.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ronald Aust on 05/20/2010.

The amendment in summary is as follows: claims 8 and 18 are amended, claims 11 and 17 are cancelled, and new claims 19-27 are added.

The application has been amended as follows:

Claim 8 should read as follows:

8. A pressure generating unit for a biopsy apparatus carrying a biopsy needle unit, comprising:

a cylinder having an interior cylinder wall, a first cylinder space, a second cylinder space, a connector, and a connecting path, the connector being located at a first end of the cylinder adjacent the first cylinder space and configured for connection to the biopsy needle unit, the connecting path ~~extending~~ **being configured to facilitate selective connection** between the first cylinder space and the second cylinder space;

a piston arrangement including a piston connected to a piston spindle, the piston being movably positioned in the cylinder, a vacuum being generated in the first cylinder space by retracting the piston and the vacuum being released when the piston is positioned adjacent the connecting path; and

an absorbent element carried by the piston, the ~~absorbing~~ **absorbent** element being located in contact against the interior cylinder wall,

wherein the piston separates the first cylinder space from the second cylinder space, and the absorbent element filters air prior to entry into the first

cylinder space via the connecting path when the piston is positioned over the connecting path to release the vacuum.

Claim 11 should read as follows:

11. **(Cancelled).**

Claim 17 should read as follows:

17. **(Cancelled).**

Claim 18 should read as follows:

18. The pressure generating unit of claim 8, **wherein the absorbent element is arranged on a back side of the piston that faces away from the first end of the cylinder, and** wherein the absorbent element absorbs tissue fluids to prevent a back flow of the tissue fluids from the first cylinder space.

New claim 19 should read as follows:

19. A pressure generating unit for a biopsy apparatus carrying a biopsy needle unit, comprising:

a cylinder having an interior cylinder wall, a first cylinder space, a second cylinder space, a connector, and a connecting path, the connector being located at a first end of the cylinder adjacent the first cylinder space and configured for connection to the biopsy

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needle unit, the connecting path being configured to facilitate selective connection between the first cylinder space and the second cylinder space;

a piston arrangement including a piston connected to a piston spindle, the piston being movably positioned in the cylinder, a vacuum being generated in the first cylinder space by retracting the piston and the vacuum being released when the piston is positioned adjacent the connecting path; and

an absorbent element carried by the piston, the absorbent element being located in contact against the interior cylinder wall,

wherein the connecting path is an interior groove in the cylinder, and the vacuum is released when the piston and the absorbent element are positioned at the interior groove.

New claim 20 should read as follows:

20. The pressure generating unit of claim 19, wherein the absorbent element is arranged on a back side of the piston that faces away from the first end of the cylinder, the absorbent element being held in position by a securing disk attached to the piston spindle.

New claim 21 should read as follows:

21. The pressure generating unit of claim 19, further comprising a piston spindle drive engaged with the piston spindle to displace the piston in the cylinder, the piston spindle drive being mounted at a second end of the cylinder opposite to the first end of

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the cylinder having the connector, the absorbent element being located between a back side of the piston and the piston spindle drive.

New claim 22 should read as follows:

22. The pressure generating unit of claim 19, wherein the absorbent element comprises absorbent chemical pulp.

New claim 23 should read as follows:

23. The pressure generating unit of claim 19, wherein the absorbent element is a paper filter.

New claim 24 should read as follows:

24. The pressure generating unit of claim 19, wherein the absorbent element is an air-permeable element.

New claim 25 should read as follows:

25. The pressure generating unit of claim 19, wherein the absorbent element includes a plurality of absorbent disks.

New claim 26 should read as follows:

26. The pressure generating unit of claim 19, wherein a longitudinal extent of the absorbent element in the cylinder is about three millimeters.

New claim 27 should read as follows:

27. The pressure generating unit of claim 19, wherein the absorbent element is arranged on a back side of the piston that faces away from the first end of the cylinder, and wherein the absorbent element absorbs tissue fluids to prevent a back flow of the tissue fluids from the first cylinder space.

Allowable Subject Matter

5. Claims 8-10, 12-16, and 18-27 are allowed.
6. The following is an examiner's statement of reasons for allowance: the prior art does not disclose, teach, and/or fairly suggest a pressure and vacuum generating unit for a biopsy apparatus having a biopsy needle, wherein a piston is movably disposed in a cylinder for creation of pressure and vacuum via a connecting path in the cylinder to which the piston is adjacent, wherein an absorbent element is carried by the piston, and wherein the absorbent element filters air via the connecting path in the release of vacuum or wherein the connecting path is an interior groove in the cylinder and vacuum is released when the absorbent element and piston are positioned at the groove.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY G. HOEKSTRA whose telephone number is (571)272-7232. The examiner can normally be reached on Monday through Friday 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey G Hoekstra/
Examiner, Art Unit 3736

/Max Hindenburg/
Supervisory Patent Examiner, Art Unit 3736